

St. Germain, Dante

From: Jane Doe <vah.commerce@gmail.com>
Sent: Friday, November 19, 2021 10:22 AM
To: St. Germain, Dante; jones9544@att.net
Subject: RaceTrac at Dixie highway and East Orell concern citizen

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To whom it may concern,

For the record, I object and will oppose the request for this waiver. The zoning and land use (as a gas station) is identical to the previous application that was turned down by Planning Commission 5-2, the Metro Planning and Zoning Committee 7-0, and full Metro Council 26-0 on June 24, 2021. Removing the diesel canopy and making market store smaller does not change the land use and the zoning request is the same. It will also be a 24/7 operation where diesel can still get fuel. It is still too close to residential thus is the reason why that lot is zoned residential and these houses on East Orell were built with that in mind. Also, Chief and Jeff Brown asked RaceTrac in previous hearing if they'd pursue lot without diesel canopy and Cliff replied adamantly NO since the diesel canopy was the focal point of their market strategy. See March 18 video.

Also for the record, March 1 hearing ended in technical difficulty after 4 hours of hearing, the March 18 hearing ended after another lengthy hearing with us leading 3-2 in vote with Cliff interrupting business session to ask for an indefinite continuation which he was granted but yet in next hearing on May 17, the applicant failed to make the changes requested by the commissioners and Commissioner Brown and Commissioner Sistrunk were both very vocal about the total disregard by applicant. Not to mention, our neighborhood legal fees kept accumulating despite the fact some of these hearings should not have been at our expense due to technical difficulties and the indefinite continuation without making the proper changes. We had 3 hearings, each lasting at least 4 hours. RaceTrac had ample chances to make changes but since they refused and were denied by Commissioners and Metro Council, this waiver should be denied and the two year rule should be effective at least from June 24, 2021 and perhaps the date of the waiver hearing since this is a total lack of respect to the Commissioners, Metro Council members, and Winding Brook Subdivision.

Best wishes,
Ron Higgs
6207 Winding Stream Dr

St. Germain, Dante

From: Veronica Higgs <veronica.higgs@gmail.com>
Sent: Friday, November 19, 2021 9:50 AM
To: St. Germain, Dante
Cc: James Jones; Misty Pack
Subject: RaceTrac at Dixie highway and East Orell

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To whom it may concern,

For the record, we object and will oppose the request for this waiver. The zoning and land use (as a gas station) is identical to the previous application that was turned down by Planning Commission 5-2, the Metro Planning and Zoning Committee 7-0, and full Metro Council 26-0 on June 24, 2021. Removing the diesel canopy and making market store smaller does not change the land use and the zoning request is the same. It will also be a 24/7 operation where diesel can still get fuel. It is still too close to residential thus is the reason why that lot is zoned residential and these houses on East Orell were built with that in mind. Also, Chief and Jeff Brown asked RaceTrac in previous hearing if they'd pursue lot without diesel canopy and Cliff replied adamantly NO since the diesel canopy was the focal point of their market strategy. See March 18 video.

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Thank you,

Veronica Higgs and Nicholas Lawson
6205 Winding Stream Dr

St. Germain, Dante

From: gealr@iglou.com
Sent: Thursday, November 18, 2021 5:52 PM
To: St. Germain, Dante
Subject: RE: 11800 – 11908 E Orell Road, 11705 – 11707 Dixie Highway

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Dante St.Germain

I oppose granting the request to present a new zoning application during the 2 year period after a zoning request has been denied. The most recent zoning application is an attempt to take bites out of the apple rather than getting the whole apple requested under Case No. 20zone0034. Should the two year waiting requirement be waived, this applicant will soon be back to get the rest of the apple.

Ann Ramser

On Thu, November 18, 2021 08:09, St. Germain, Dante wrote:

>

>

>

> Ms. Ramser,

>

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> The only documentation we have is the letter from the applicant, which I
> have attached.

>

> You would submit comments to me directly and I will provide them to the
> Commissioners, or you may speak at the hearing.

>

>

>

>

>

> Dante St. Germain, AICP

> Planner II

> Planning & Design Services

> Department of Develop Louisville

> LOUISVILLE FORWARD

> 444 South Fifth Street, Suite 300

> Louisville, KY 40202

> (502) 574-4388

> <https://louisvilleky.gov/government/planning-design>

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>
>
> -----Original Message-----
> From: gearl@iglou.com <gearl@iglou.com>
> Sent: Wednesday, November 17, 2021 1:18 PM
> To: St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>
> Subject: 11800 â€“ 11908 E Orell Road, 11705 â€“ 11707 Dixie Highway
>
>
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>
> As a case number does not exist, where can I find documents related to
> the proposal to permit the submission of a zoning change application for
> a time period of less than 2 years from the denial of a zoning change. I
> want to see this documentation.
>
> Also, where can I submit comments objecting to a case that does not have
> a case number.
>
> Ann Ramser
>
>
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St. Germain, Dante

From: James Jones <jones9544@att.net>
Sent: Tuesday, November 16, 2021 6:34 PM
To: St. Germain, Dante
Cc: Misty Pack; Sally Smith; Lisa; Shaina Fischer; Mike Searcy; melb1201@aol.com; CHRIS C.; Andrew Fischer; Stephen Puricelli; stpinlou@aol.com
Subject: Waiver

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Dante,

For the record, I object and will oppose the request for this waiver. The zoning and land use (as a gas station) is identical to the previous application that was turned down by Planning Commission 5-2, the Metro Planning and Zoning Committee 7-0, and full Metro Council 26-0 on June 24, 2021. Removing the diesel canopy and making market store smaller does not change the land use and the zoning request is the same. It will also be a 24/7 operation where diesel can still get fuel. It is still too close to residential thus is the reason why that lot is zoned residential and these houses on East Orell were built with that in mind. Also, Chief and Jeff Brown asked RaceTrac in previous hearing if they'd pursue lot without diesel canopy and Cliff replied adamantly NO since the diesel canopy was the focal point of their market strategy. See March 18 video.

Also for the record, March 1 hearing ended in technical difficulty after 4 hours of hearing, the Msrch 18 hearing ended after another lengthy hearing with us leading 3-2 in vote with Cliff interrupting business session (not sure this is legal) to ask for an indefinite continuation which he was granted but yet in next hearing on May 17, the applicant failed to make the changes requested by the commissioners and Commissioner Brown and Commissioner Sistrunk were both very vocal about the total disregard by applicant. Not to mention, our legal fees kept accumulating despite the fact some of these hearings should not have been at our expense due to technical difficulties and the indefinite continuation without making the proper changes. We had 3 hearings, each lasting at least 4 hours. RaceTrac had ample chances to make changes but since they refused and were denied by Commissioners and Metro Council, this waiver should be denied and the two year rule should be effective at least from June 24, 2021 and perhaps the date of the waiver hearing since this is a total lack of respect to the Commissioners, Metro Council members, and Winding Brook Subdivision. Please see that all commissioners see this email.

James Jones

[Sent from AT&T Yahoo Mail for iPhone](#)

St. Germain, Dante

From: stpinlou@aol.com
Sent: Tuesday, November 16, 2021 3:57 PM
To: St. Germain, Dante
Cc: melb1201@aol.com; c-combs@hotmail.com; apfischer87@yahoo.com; lisakayefischer@hotmail.com; shayre88@gmail.com; jones9544@att.net; jones9544@att.net; mistypackmk@att.net; stephenpuricelli@gmail.com; mike@searcy.me; sallysmith.realtor@icloud.com
Subject: RaceTrac on Orell and Dixie

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Dante,

Since this case has no file number, I do not have access to any submissions. Please send me all communications you have pertaining to this waiver request. When there is a staff report, please do the same. Also, include all the Cc e-mail addresses above for whatever you send to me. Thanks.

We will be opposing this request in behalf of the neighbors on Orell and in the adjacent subdivision. Our preliminary look at the proposal we got from Cliff tells us this is very little different than before. The land use is identical. The zoning request is identical. Most of the DDP is identical. They should have to wait two years or submit a totally different zoning category and land use.

Steve Porter

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

St. Germain, Dante

From: Andrew Fischer <apfischer87@yahoo.com>
Sent: Wednesday, October 13, 2021 10:38 PM
To: St. Germain, Dante
Cc: Brown, Jeffrey E
Subject: Re: Racetrac/Raceway Plan Design Question

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Thank you both for the quick response!

I really appreciate the information you provided, Dante.

Andrew Fischer

On Oct 13, 2021, at 1:40 PM, St. Germain, Dante <Dante.St.Germain@louisvilleky.gov> wrote:

Jeff,

I called Mr. Fischer and we spoke about his concerns. Thank you for forwarding this to me.

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
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Louisville, KY 40202
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-----Original Message-----

From: Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
Sent: Wednesday, October 13, 2021 1:03 PM
To: Andrew Fischer <apfischer87@yahoo.com>; St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Subject: RE: Racetrac/Raceway Plan Design Question

I'm adding in Dante with Planning & Design Services, she is much more familiar with the process than I am

Jeffrey Brown, PE

-----Original Message-----

From: Andrew Fischer <apfischer87@yahoo.com>
Sent: Wednesday, October 13, 2021 1:01 PM
To: Brown, Jeffrey E <Jeffrey.Brown@louisvilleky.gov>
Subject: Racetrac/Raceway Plan Design Question

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Hi Jeff,

My name is Andrew Fischer and I recently spoke in opposition to the Racetrac development plan that was voted down at Dixie Highway and Flowervale.

I received a notification a new development plan is in the works of being submitted by Raceway, owned by Racetrac, and was wondering if you provide some clarity around the process for resubmission. I've looked online for information but have not had much luck.

Do you happen to have any availability for a quick phone call, or I could try to email a question first if your schedule is busy.

Thank you in advance for your time.

Andrew Fischer
502-641-0371

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St. Germain, Dante

From: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Sent: Thursday, October 14, 2021 11:15 AM
To: stpinlou@aol.com
Cc: Liu, Emily; Reverman, Joe; St. Germain, Dante
Subject: RE: RaceWay at Dixie and Flowervale

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Steve,

Respectfully, the RaceWay proposal would be a greatly reduced version of the previous proposal, and the property to be rezoned would also be reduced. Further, the RaceWay proposal eliminates the one aspect of the previous proposal that we (RaceTrac, staff, and Commissioners) spent the vast majority of the time discussing. I understand your clients' position but don't agree with it. We haven't filed the two year waiver yet but I'll let you know if and when we do.

Best,

Cliff

From: stpinlou@aol.com <stpinlou@aol.com>
Sent: Thursday, October 14, 2021 11:11 AM
To: Ashburner, Clifford <Clifford.Ashburner@DINSMORE.COM>
Cc: emily.liu@louisvilleky.gov; joe.reverman@louisvilleky.gov; dante.st.germain@louisvilleky.gov
Subject: RaceWay at Dixie and Flowervale

Cliff,
Thanks for the sketch of a proposed RaceWay gas station on Dixie Highway, on the same property where a proposed RaceTrac station was denied on June 24, 2021. I have discussed this new proposal with my clients, who are the adjacent neighbors in Winding Brook Subdivision who opposed the previous application. They are strongly opposed to a waiver of the two-year rule. The previous case was very hard on these neighbors, both emotionally and financially, and they do not want to have to go through this again so soon. A major reason for the two-year rule is to protect the public from repeated attempts by developers, in an effort to wear out the opposition. This new proposal is for the same zoning, the same use, on the same property and has the same problems as before. Therefore, we will oppose the waiver. Please keep me informed of any application for a waiver and any hearing on that application. Thanks.

Steve Porter

Stephen T. Porter
Attorney at Law
2406 Tucker Station Road
Louisville, KY 40299
502-905-9991
stpinlou@aol.com

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St. Germain, Dante

From: St. Germain, Dante
Sent: Monday, September 27, 2021 7:56 AM
To: stpinlou@aol.com
Subject: RE: Case No. 20-ZONE-0034 RaceTrac

Steve,

The date on the ordinance is 06-24-2021.

Dante St. Germain, AICP
Planner II
Planning & Design Services
Department of Develop Louisville
LOUISVILLE FORWARD
444 South Fifth Street, Suite 300
Louisville, KY 40202
(502) 574-4388
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From: stpinlou@aol.com <stpinlou@aol.com>
Sent: Friday, September 24, 2021 9:57 PM
To: St. Germain, Dante <Dante.St.Germain@louisvilleky.gov>
Subject: Case No. 20-ZONE-0034 RaceTrac

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Dante,

Could you give me the date of the Metro Council vote where this case was resolved in denial of the application.?
Thanks. I understand this case may come back before the Planning Commission before the 2-year limitation.

Steve Porter

Stephen T. Porter

Attorney at Law

2406 Tucker Station Road

Louisville, KY 40299

502-905-9991

stpinlou@aol.com